

# **EXHIBIT H**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DAVID A. DEWAR, )  
 )  
Plaintiff, )  
 )  
vs. ) No. 16 CV 0228  
 )  
Officers T.J. FELMON, M.K. )  
DEVINE and Supervisor C.J. )  
LONG and CHICAGO POLICE )  
DEPARTMENT, )  
 )  
Defendants. )

The deposition of WILLIAM HOSTY, taken pursuant to the Federal Rules of Civil Procedure, before Nick D. Bowen, Certified Shorthand Reporter No. 084-001661, at 30 North LaSalle Street, Suite 900, Chicago, Illinois, on Thursday, March 1, 2018, commencing at 11:19 a.m. pursuant to subpoena and notice.

APPEARANCES:

MR. DAVID A. DEWAR  
(11347 South Millard Avenue  
Chicago, Illinois 60655  
773.445.5340  
ddewar@hotmail.com)  
appeared pro se;

WILLIAM HOSTY, 03/01/2018

Page 2

1 APPEARANCES: (Cont'd)

2 HONORABLE EDWARD N. SISKEL  
3 CORPORATION COUNSEL, by  
4 MS. KELLY C. BAUER  
5 Assistant Corporation Counsel  
6 (30 North LaSalle Street, Suite 900  
7 Chicago, Illinois 60602-2502  
8 312.742.9586  
9 kelly.bauer@cityofchicago.org)  
10 appeared on behalf of the defendants.

11 \* \* \* \* \*

WILLIAM HOSTY, 03/01/2018

Page 3

I N D E X

Witness: Page

WILLIAM HOSTY

Examination by:

Ms. Bauer..... 5

Mr. Dewar..... 34

E X H I B I T S

| No. | Description     | Marked/Referenced |
|-----|-----------------|-------------------|
| 1   | Complaint.....  | 30                |
| 2   | Photograph..... | 38                |

(Exhibits attached/scanned.)

WILLIAM HOSTY, 03/01/2018

Page 19

1 happen? Was this -- in relation to when Mr. Dewar  
2 first started screaming at you.

3 A. It was kind of almost the same time.

4 Q. And could you understand anything that  
5 Mrs. Dewar was saying?

6 A. No.

7 Q. Okay. And then did Mrs. Dewar go back  
8 in the house after the police were called?

9 A. To the best of my knowledge, she did.

10 Q. Okay. After the police were called,  
11 did she -- was she screaming any more at you? What  
12 was she doing at that point?

13 A. After the police came?

14 Q. No. After they were called.

15 A. No.

16 Q. No.

17 So once the -- once you had asked  
18 your daughter-in-law to call the police, Mr. and  
19 Mrs. Dewar were just standing there?

20 A. For a little while. And I do believe  
21 they went to the house -- into the house then.

22 Q. Okay. And about how long did it take  
23 for the police to arrive?

24 A. I'm not sure. Maybe ten minutes or

WILLIAM HOSTY, 03/01/2018

Page 20

1 something. I'm not -- I'm not exactly sure.

2 Q. Okay.

3 A. I just continued on clearing snow at  
4 that point.

5 Q. Okay. And the police did arrive that  
6 day, though?

7 A. Yes, they did.

8 Q. Okay. And did police cars drive up?

9 A. There was one. I don't know if there  
10 was two or not. But I know there was one.

11 Q. Okay. And once the police got there,  
12 what happened?

13 A. They got out of the car. And one of  
14 them went to the door. And then the people next  
15 door to me came out. And they wanted to know what  
16 happened. And they were explaining to the police  
17 that he was putting snow on the property. And I  
18 remember distinctly the policeman saying to him,  
19 Well, what are we supposed to do? We got a foot of  
20 snow.

21 And the wind was blowing real hard.  
22 I could be blowing it that way and it would still  
23 blow -- it was blowing in my face. It was blowing  
24 all over. You wouldn't know where it would be

WILLIAM HOSTY, 03/01/2018

Page 21

1 blowing the way the wind was.

2 So he wanted to know -- the officer  
3 asked me, he wanted to know what was going on. So  
4 I told him what happened, that I feared for my life  
5 and I felt threatened.

6 So at this time he asked Mr. Dewar  
7 what happened, and he said that he didn't say it.  
8 So there was some words spoken back and forth  
9 between the police and him in a nice conversation,  
10 I do believe. And he was denying that he said it.

11 So he finally -- the policeman says  
12 to me, If he gives you an apology, will you accept  
13 it? And I says, Yes, I will.

14 So he gave me an apology, but it  
15 wasn't in the words -- I never heard the words "ass  
16 kicking" put into it. And so I did not accept the  
17 apology. He apologized three times. And the  
18 policeman says to him -- there was a great big  
19 policeman, I think he was a sergeant, and a smaller  
20 policeman. And he says to him, If -- we'll give  
21 you one more chance at it.

22 So with that, his ma started  
23 screaming and yelling. And the police says to  
24 Mr. Dewar, Would you please have your ma go in the

WILLIAM HOSTY, 03/01/2018

Page 22

1 house, go up on the front steps, or whatever. And  
2 he was telling her to go in the house. But she was  
3 going berserk. I have no idea what she was saying.

4 So about ten feet away from me --  
5 before -- Mr. Dewar walked a little bit north with  
6 one of the police officers. And then before he  
7 did, the police officer said to him, I give you one  
8 more chance to apologize. And he didn't apologize.  
9 And I heard the policeman talking to him. But with  
10 her screaming, I could hardly know what he was  
11 saying.

12 And as he was -- he was putting the  
13 cuffs on him. And he spun him around and put the  
14 cuffs -- well, not spun him around. He asked him  
15 to turn around, I guess. I didn't hear it. But he  
16 put the cuffs on him. He got him arrested. He  
17 arrested him.

18 And with that, they took him away.  
19 She went in the house. And I finished doing the  
20 snow and went home.

21 And one of the police officers came,  
22 and I filed a complaint and everything, to my  
23 house. And that was the gist of my evening.

24 Q. Okay. So I'm going to have to break a

WILLIAM HOSTY, 03/01/2018

Page 23

1 little bit down what you --

2 A. Okay. Sorry.

3 Q. No. That's fine. That's fine.

4 A. I answered it the best I could.

5 Q. Yeah, absolutely. So I'll just ask a  
6 little more pointed questions, and we'll just kind  
7 of go over the event and talk a little bit more  
8 about the details.

9 So when the police arrived, did --  
10 how many police officers were there approximately?

11 A. I do believe there was two.

12 Q. Okay. And --

13 A. Two that was handling the situation.  
14 If there was a second police car, I can't recall  
15 or not.

16 Q. Okay. And when the police arrived, did  
17 either of the officers come to talk to you?

18 A. Oh, yeah.

19 Q. Oh, okay.

20 A. Yeah.

21 Q. And what was the conversation that you  
22 had with them?

23 A. Well, I told them exactly what I told  
24 you, yeah.

WILLIAM HOSTY, 03/01/2018

Page 24

1 Q. Okay.

2 A. That I felt threatened and everything  
3 else, and that's what I felt.

4 Q. Okay. And what did the police officer  
5 say in response?

6 A. Then he went to talk to Mr. Dewar.

7 Q. Okay. And did both police officers go  
8 over to the Dewars' house at that point?

9 A. None of them went there at that point.  
10 The one that went to the door prior to that, the  
11 one that took him out -- the person that took him  
12 out, they did.

13 Q. Okay. So while one officer was  
14 speaking with you, another officer went to the  
15 Dewars' house?

16 A. That's right. He didn't hardly say  
17 anything to me. He was just waiting for him to  
18 come out.

19 Q. Okay. And then when the Dewars came  
20 out, what happened?

21 A. Just like I said.

22 Q. Okay.

23 A. They -- he denied saying anything. And  
24 they asked him to apologize. And he apologized in

WILLIAM HOSTY, 03/01/2018

Page 25

1 a way that he kept saying that if he offended me  
2 or threatened me in any way that I felt threatened  
3 because of him, he apologized. But he didn't  
4 apologize for the exact word. I didn't hear "ass  
5 kicking" in it, but I heard in the context of  
6 yelling.

7 Q. Okay.

8 A. I didn't accept the apology.

9 Q. Okay. So when the Dewars came out, did  
10 you all have a conversation at that point or --

11 A. Well, yeah. The policeman was telling  
12 us all, you know, that it's a bad snowstorm and we  
13 have to -- people have to put the snow someplace.  
14 And he says he had to put it someplace. And I  
15 could be blowing it north and his house was south  
16 of me, and with the way the wind was, it would blow  
17 it right back. I mean, it was just a bad -- it was  
18 Mother Nature at its best.

19 Q. Okay. So is it fair to say that you  
20 weren't purposely blowing snow on --

21 A. No, I don't purposely blow snow on  
22 anybody's property.

23 Q. Okay. Sorry --

24 A. Not unless it's two or three feet and I

WILLIAM HOSTY, 03/01/2018

Page 26

1 have no place to put it.

2 Q. Okay. So let me just finish my question  
3 for the record so everything can be taken down.

4 A. Sure.

5 Q. So is it fair to say that you weren't  
6 personally blowing the snow on the Dewars' property?

7 A. Yes, it is.

8 Q. Okay. Other than one of the officers  
9 asking Mr. Dewar to apologize, do you remember the  
10 officer saying anything else to the Dewars that day?

11 A. Other than telling us, like I just said  
12 to you, about the snow and, you know, let's try to  
13 work together with it, you know.

14 Q. Okay. And then what was Mrs. Dewar  
15 doing at this point?

16 A. Yelling and screaming.

17 Q. Okay. And do you remember what she was  
18 yelling and screaming?

19 A. It was all about, My son, my son; I  
20 could hear that much. And I don't know what else  
21 she was saying.

22 Q. Okay. And at some point you said one  
23 of the officers asked Mr. Dewar to ask his mother  
24 to go back inside?

WILLIAM HOSTY, 03/01/2018

Page 27

1 A. Yes.

2 Q. Okay. And do you remember specifically  
3 what that officer said?

4 A. He said, Would you please calm your mom  
5 down and have her go in the house?

6 Q. Okay. And did Mr. or Mrs. Dewar  
7 respond to that?

8 A. Yeah. I think David says to her a  
9 couple times, Would you please go in the house?

10 Q. Okay. And did his mother go in the  
11 house at that point?

12 A. No.

13 Q. No. Okay.

14 Was she still yelling and screaming  
15 at that point?

16 A. Yeah.

17 Q. And at that point do you understand --  
18 did you understand what she was screaming and  
19 yelling?

20 A. All I could hear was something about,  
21 My son, my son. That's all.

22 Q. Okay. And then -- so then it sounds  
23 like Mr. Dewar apologized three times, but not in  
24 the way that you had asked, right?

WILLIAM HOSTY, 03/01/2018

Page 28

1           A.     Right. The officer asked me, Do you  
2 accept that? And I said, No.

3           Q.     Okay. And why specifically was that?

4           A.     Because I already told you that I  
5 didn't hear the word -- anything about the ass  
6 kicking there, and I felt threatened.

7           Q.     Okay. And then what happened --

8           A.     Can we take a short recess for a  
9 minute?

10          Q.     Sure.

11          A.     Can I talk to you for a minute? No?

12          Q.     No.

13          A.     No. Okay. That's all right.

14                   (Recess taken.)

15 BY MS. BAUER:

16          Q.     All right. And then -- so let's start  
17 where we left off.

18                   So you said that Mr. Dewar was  
19 handcuffed at some point, correct?

20          A.     Yes.

21          Q.     Okay. And did you actually see  
22 Mr. Dewar get handcuffed?

23          A.     Yes.

24          Q.     Okay. In your opinion, were the

WILLIAM HOSTY, 03/01/2018

Page 29

1 officers rough with Mr. Dewar when they were  
2 handcuffing him?

3 A. Well, I've never seen too many people  
4 get handcuffed. He just put the handcuffs on him.  
5 I didn't see anybody getting roughed up from either  
6 side.

7 Q. Okay. And then at that point did any  
8 of the officers say anything to you?

9 A. No.

10 Q. No.

11 A. They said they were taking him in; if I  
12 wanted to file a complaint, file a complaint. So I  
13 did.

14 Q. Okay. And did you sign a complaint  
15 that day?

16 A. That evening, yeah. The officer came  
17 to my house later on, and I signed it.

18 Q. Okay. And did you -- and other than  
19 the officer informing you that you could sign a  
20 complaint, did you have any other conversations  
21 with them that day?

22 A. No.

23 Q. No. Okay.

24 And then the officers left; is that

WILLIAM HOSTY, 03/01/2018

Page 30

1 right?

2 A. Yes. They left, yeah.

3 Q. Okay.

4 A. Well, at that time they left and came  
5 back later to my house with the complaint to be  
6 filed.

7 Q. Oh, okay.

8 A. Yeah.

9 MS. BAUER: Okay. And then if we could mark  
10 this as Exhibit 1, please.

11 (Deposition Exhibit No. 1,  
12 Witness Hosty, was marked for  
13 identification 03/01/2018.)

14 BY MS. BAUER:

15 Q. I'm handing you what's been marked as  
16 Exhibit 1. If you wouldn't mind reviewing this,  
17 please.

18 A. (Reviewing exhibit.)

19 Yeah.

20 Q. Okay. And is that the complaint you  
21 signed that evening?

22 A. Well, I don't have the complaint I  
23 signed that evening in front of me, but it  
24 certainly seems like it, yes.

WILLIAM HOSTY, 03/01/2018

Page 31

1 Q. Okay.

2 A. It looks like it.

3 Q. Okay. So it looks like a --

4 A. That's my signature, yes. So that's  
5 got to be it.

6 Q. So it looks like an accurate --

7 A. Yes. Yes, it is.

8 Q. -- an accurate copy of the complaint?

9 A. Yes.

10 Q. Okay. And did any police officers  
11 coerce you into bringing these charges?

12 A. No. Absolutely not.

13 Q. Okay. And did you bring these charges  
14 on your own free will?

15 A. Yes, I did.

16 Q. And you also knew that it was  
17 no mistake that Mr. Dewar was the one who had  
18 committed the offense that's on the complaint,  
19 right?

20 A. That is correct.

21 Q. Did any officer suggest to you or  
22 otherwise tell you that Mr. Dewar was not the  
23 person involved in this complaint?

24 A. No.

WILLIAM HOSTY, 03/01/2018

Page 32

1 Q. Okay. And did an assistant state's  
2 attorney contact you?

3 A. No.

4 Q. No. Okay.

5 Did you receive a subpoena to go to  
6 court?

7 A. I received -- I don't know if it was a  
8 subpoena or a notice, whatever. But I did receive  
9 something, and I did go.

10 Q. Okay. And did you go to court?

11 A. Yes.

12 Q. Okay. Did you ever testify against  
13 plaintiff?

14 A. I met up that day with an assistant  
15 state's attorney, I think she was, at the place.  
16 I asked for her when I got there.

17 Q. Okay. And do you know what happened to  
18 the criminal charges in this case?

19 A. The assistant state's attorney talked  
20 and his attorney, I believe, David Dewar's, and the  
21 judge talked, and it got thrown out, you could say,  
22 yeah.

23 Q. Okay.

24 A. I just -- the judge asked me what did I

WILLIAM HOSTY, 03/01/2018

Page 33

1 want, you know. And I told him, I says all I want  
2 is peace and be left alone and my family left  
3 alone, my son, grandson -- my son, grandkids, and  
4 daughter-in-law.

5 Q. Okay.

6 A. So I just wanted them to be left alone.  
7 And I don't want anything out of this. I just want  
8 peace.

9 Q. Okay.

10 A. So he told him, you know, be peaceful  
11 and friendly. And it has been since.

12 Q. Okay. And so is it fair to say that  
13 you dropped the charges in this case?

14 A. I do believe I did, yeah. Yeah.

15 Q. Okay.

16 A. It's on file anyways, so, you know.

17 Q. The transcript of the court proceedings?

18 A. Yes. I asked the judge if it could be  
19 on file, and he says yes.

20 MS. BAUER: Okay. All right. So I just need  
21 one moment. And then I'll be right back. I can  
22 actually put you in another conference room while I  
23 take care of something. But it'll only be five  
24 minutes. I'll be right back.

WILLIAM HOSTY, 03/01/2018

Page 56

1 A. No. They came to my house.

2 Q. They came to your house. Okay.

3 A. For me to sign it.

4 Q. Okay. And you had mentioned that they  
5 came a second time. Do you recall what time that  
6 was? Or did they only come once?

7 A. They only came once. He came back to  
8 get it signed. I never said they came a second  
9 time.

10 Q. Okay. And do you remember at all what  
11 time they came?

12 A. No.

13 Q. No. Was it between 7:00 p.m. and 11:00  
14 p.m.? Was it that evening?

15 A. Well, I usually go to bed at 10:30. It  
16 was before I went to bed.

17 Q. Okay.

18 A. Sometimes I stay up to 11:00. I don't  
19 know. Before I went to bed anyway, so ...

20 Q. Okay. Now, you had mentioned the  
21 police car. Was it a standard police car, or was  
22 it a squad care?

23 A. It was a police car with lights on top  
24 of it. I don't know the difference on it. I

WILLIAM HOSTY, 03/01/2018

Page 57

1 didn't look. You couldn't see from here to across  
2 the street with the snow and the wind blowing.

3 Q. And do you remember where that car was  
4 parked, if it was parked on the same side as --

5 A. I have no idea.

6 Q. You don't remember?

7 A. I don't remember. I don't recall.

8 Q. Okay. After the cuffs were put on me  
9 and I was put into the vehicle, which it was across  
10 the street, were you outside, and if so, for how  
11 long?

12 A. As far as I know, I probably finished  
13 blowing the snow and went home.

14 Q. So do you recall how long you --

15 A. No.

16 Q. -- were outside?

17 Okay. Do you recall any of the two  
18 officers getting out of the car and conferring with  
19 Detective Scott McKenna afterwards?

20 A. No.

21 Q. No. Okay.

22 At any point after the incident, did  
23 you confer with either of the two police officers  
24 or with Officer Scott McKenna?

WILLIAM HOSTY, 03/01/2018

Page 58

1           A.       How do you mean confer with them? What  
2 do you mean?

3           Q.       Speak with them. Talk with them.

4           A.       Well, I spoke with Mike -- with Devine  
5 when he came to tell me just file the complaint.  
6 That was all. And he said, This is the compliant  
7 if you want to file it and sign it. And I signed  
8 it, and he was on his way. That was all.

9           Q.       So you said you signed the complaint  
10 that came to your house.

11          A.       Yeah. That's when I spoke with him.

12          Q.       Okay. So when you spoke with Detective  
13 Scott McKenna, where did you speak with him?

14          A.       Where did I speak with Detective  
15 McKenna? I didn't say I spoke with Detective Scott  
16 McKenna.

17          Q.       So you didn't speak with him after the  
18 incident?

19          A.       You're telling me that I didn't, or are  
20 you asking me?

21          Q.       No. I'm asking. I'm asking.

22          A.       No, I didn't.

23          Q.       Okay. So you don't recall speaking  
24 with him at all?

WILLIAM HOSTY, 03/01/2018

Page 59

1 A. I don't recall speaking --

2 MS. BAUER: Okay. I'm going to object to --  
3 you've already asked this question.

4 BY MR. DEWAR:

5 Q. Okay. When you signed the complaint,  
6 did they ask you what your age was at the time you  
7 signed the complaint?

8 A. Don't recall.

9 Q. Okay. So one of the officers came  
10 over, and this is all you signed? That was it?

11 A. That's what I said to you.

12 Q. That's what you said. Okay.

13 Because at the time --

14 A. That I can recall. That I can recall.  
15 That's all.

16 Q. Okay. Now, Mrs. Bauer, I'm going to  
17 ask some questions pertaining to the court case  
18 that Mr. Hosty -- you had ask him on March 25th,  
19 2017 when he went with the assistant state's  
20 attorney.

21 So at the time of the incident, it  
22 was, we established, February 17, 2014, and then  
23 five weeks later you had mentioned you went to  
24 court and you met with the assistant state's

WILLIAM HOSTY, 03/01/2018

Page 60

1 attorney which you never met.

2 MS. BAUER: Okay. So you're testifying? So  
3 you can ask him questions.

4 MR. DEWAR: Okay. I'm going to ask him  
5 questions here.

6 MS. BAUER: Okay. So you can't just testify  
7 as -- like you can't say this is your account of  
8 what happened here because it's not your deposition  
9 today. So we're just asking questions of Mr. Hosty  
10 that are new and that pertain to the lawsuit  
11 against my clients.

12 MR. DEWAR: Gotcha.

13 BY MR. DEWAR:

14 Q. When your were, on March 25th, at the  
15 court hearing with the assistant state's attorney,  
16 do you recall what age you mentioned you were at  
17 the time to the Court?

18 MS. BAUER: Okay. So I'm going to object to  
19 this. If you're going to ask him to give his date  
20 of birth or any sort of personal information like  
21 that, I'm going to object to that.

22 Also, how is this -- like this is  
23 not related to the lawsuit against my clients.  
24 Okay? So ask him questions that relate to the